

## REMARKS

Claim 1 has been amended to make it clear that the protective layer and the phase change material are on the same side of the lower electrode. This is plainly not the case in Reinberg, in Figure 10, where the asserted protected layer 42 is on one side of the asserted electrode 56 and the phase change material 58 is asserted to be on the opposite side.

Therefore, claim 1, as amended, patentably distinguishes over Reinberg.

Claim 37 has been amended to include subject matter indicated to be allowable and should, therefore, now be in condition for allowance.


Claim 44 calls for an electrically insulating protective layer over a lower electrode. The layer 42 is a conductive material since it is p+ doped polysilicon. See column 7, line 48. Therefore, it could not constitute an electrically insulating protected layer.

Claim 32 is rejected over the combination of Ovshinsky and Reinberg, citing Ovshinsky, column 14, lines 20-25. That material refers to Figure 6 which shows a series of distinct deposition chambers 9, 10, and 11. Thus, it is not seen what the relevance is of the cited material to claim 32, which calls for using the same deposition chamber, not three different deposition chambers.

In view of these remarks, the application should now be in condition for allowance.

Respectfully submitted,

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